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**TERMINAL DISCLAIMER TO OBVIATE PATENTING
REJECTION OVER A "PRIOR" PATENT**Docket Number (Optional)
30775-701.403

In re Application of: Jonathan W. Nyce

Application No.: 10/072,010

Filed: October 25, 2001

For: COMPOSITIONS, FORMULATIONS AND METHODS FOR PREVENTION AND TREATMENT OF DISEASES AND CONDITIONS
ASSOCIATED WITH BRONCHOCONSTRICTION, ALLERGY(IES) AND INFLAMMATION

The owner*, East Carolina University, of 100 percent interest in the instant application here by disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term **prior patent** No. 5,527,789 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said **prior patent** is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the **prior patent** are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
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2. ☒ The undersigned is an attorney or agent of record.

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Respectfully submitted,
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- ☒ Terminal disclaimer fee of \$65 under 37 CFR 1.20(d) included. Please charge under Deposit Account#: 23-2415.

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